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Hearing Date: December 16, 2015

Hearing Time: 11:00 a.m. (EST)

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation of  
Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

DEFENDANTS IN ADVERSARY  
PROCEEDINGS LISTED ON EXHIBIT 1  
ATTACHED HERETO,

Defendants.

Adv. Pro. Nos. Listed on Exhibit 1  
Attached Hereto

**NOTICE OF HEARING ON DEFENDANTS' MOTION TO DISMISS  
BASED ON EXTRATERRITORIALITY AND TRUSTEE'S OMNIBUS  
MOTION FOR LEAVE TO REPLEAD**

**PLEASE TAKE NOTICE** that in certain adversary proceedings brought by Irving H. Picard, as trustee (the “Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa *et seq.*, and for the estate of Bernard L. Madoff (“Madoff”), the United States District Court for the Southern District of New York, the Honorable Jed S. Rakoff, entered Orders, items number 97 and 167 on the docket of 12 mc 115 (JSR), in which he withdrew the reference pursuant to 28 U.S.C. § 157(d) to determine whether SIPA and/or the Bankruptcy Code as incorporated by SIPA apply extraterritorially, permitting the Trustee to avoid initial transfers that were received abroad or to recover from initial, immediate or mediate foreign transferees (the “Extraterritoriality Issue”).

**PLEASE TAKE FURTHER NOTICE** that the District Court’s Order entered as item number 167 on the docket of 12 mc 115 (JSR) (the “Consolidated Briefing Order”) directed the defendants that had sought withdrawal of the reference for the District Court to determine the Extraterritoriality Issue (the “Extraterritoriality Defendants”) to file a single consolidated motion to dismiss pursuant to Fed.R. Civ. P. 12 (made applicable to the adversary proceedings by Fed. R. Bankr. P. 7012) (the “Extraterritoriality Motion”).

**PLEASE TAKE FURTHER NOTICE** that after further briefing by the parties pursuant to the Consolidated Briefing Order and oral argument, on July 7, 2014, the United States District Court entered an opinion and order, item number 551 on the docket of 12 mc 115 (JSR) (the “Extraterritoriality Order”) in which he decided certain matters relating to the Extraterritoriality Motion and remanded the adversary proceedings to the Bankruptcy Court.

**PLEASE TAKE FURTHER NOTICE** that on August 28, 2014, the Trustee filed an Omnibus Motion Seeking Leave to Replead Pursuant to Fed. R. Civ. P. 15(a) and Court Order

Authorizing Limited Discovery Pursuant to Fed. R. Civ. P. 26(d)(a) (the “Trustee’s Omnibus Motion”). (ECF Nos. 7826-7828).

**PLEASE TAKE FURTHER NOTICE** that on September 17, 2014, the Court held a conference to discuss further proceedings to be conducted with respect the Extraterritoriality Order and the Trustee’s Omnibus Motion, and directed the parties to confer on a coordinated procedure and briefing schedule with respect to the same.

**PLEASE TAKE FURTHER NOTICE** that on December 10, 2014, the Court issued an Order concerning further proceedings on the Extraterritoriality Motion and the Trustee’s Omnibus Motion (the “Scheduling Order”). (ECF No. 8800).

**PLEASE TAKE FURTHER NOTICE** that pursuant to the Scheduling Order, on December 31, 2014, the Defendants filed their Consolidated Supplemental Memorandum of Law In Support of the Defendants Motion to Dismiss Based On Extraterritoriality. (ECF No. 8903).

**PLEASE TAKE FURTHER NOTICE** that the Court issued Orders modifying the Scheduling Order on January 13, 2015 (ECF No. 8990), February 24, 2105 (ECF No. 9350), and March 31, 2015 (ECF No. 9720).

**PLEASE TAKE FURTHER NOTICE** that between June 26, 2015 and June 29, 2015, the Trustee filed his Memorandum of Law In Opposition to the Transferee Defendants’ Motion to Dismiss Based On Extraterritoriality and In Further Support of Trustee’s Motion for Leave to Amend Complaints (ECF No. 10287) and other supplemental submissions pursuant to the procedures set forth in the Scheduling Order as modified by the Court (ECF Nos. 10288-10437, 10440-10474), as well as in the individual adversary proceedings.

**PLEASE TAKE FURTHER NOTICE** that on September 30, 2015, the Defendants filed their Reply Consolidated Supplemental Memorandum of Law In Support of Defendants’

Motion to Dismiss Based On Extraterritoriality (ECF No. 11542) and supplemental reply memoranda in individual adversary proceedings (ECF Nos. 11520-11526, 11531, 11533-11547, 11549-11551, 1553, 11555-11561, 11563-11584, 11586-11587, 11589-11602, 11604-11609, 11611-11651, 11654-11656).

**PLEASE TAKE FURTHER NOTICE**, that pursuant to the Scheduling Order, on **December 16, 2015 at 11:00 a.m.**, a hearing (“Hearing”) will be held before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, Courtroom 723, New York, New York 10004, on the Defendants’ Motion to Dismiss Based On Extraterritoriality and the Trustee’s Omnibus Motion Seeking Leave to Replead Pursuant to Fed. R. Civ. P. 15(a).

Dated: New York, New York  
November 20, 2015

By: /s/ David J. Sheehan  
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